

REMARKS

Claims 1-19 and 21-33 were pending in the application. Claims 4-6, 9, 10, and 16 had been withdrawn from consideration. Claims 17-19, 21-28, and 33 were allowable. Claims 1, 2, 7, 8, 11-15, and 29-32 stood rejected. Claim 3, and Figures 2, 12, and 14 were objected to. However, per a phone conversation with the Examiner, she has allowed further consideration of claims 5-6, 9, 10, and 16, contingent on amendment of claim 3 to overcome the objection, and revising the dependency of the claims accordingly. The Examiner also objected to claim 16. The Examiner further withdrew allowability of claim 33.

Drawings

The Examiner objected to Figure 12 under 37 CFR 1.84(p)(5), because it does not include the reference sign "XII-XII", as mentioned on page 4 line 15. A replacement drawing with the reference sign added has been attached to this reply.

The Examiner objected to Figure 2 as having the reference sign "32," which is not described in the specification. The reference sign has been removed in the attached replacement drawing. The Examiner also objected to Figure 14 as having the reference sign "66," since "66" is not discussed in the text of the application. Applicant has amended Figure 14 to remove the reference sign, and a corrected drawing is attached. Withdrawal of the objection to the drawings is respectfully requested.

Specification

The Examiner objected to the specification asserting that claim 32 is not supported by the specification. Applicant has canceled claim 32. Withdrawal of the objection to the specification is respectfully requested.

Status of Claims

Claim 3 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13-15 and 29-32 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1, 2, 7, 8, 11 and 12 were rejected under 35 USC §103(a) as being unpatentable over Campbell et al. (WO 00/23006) in view of Reger (US 5,258,023). Claims 13-15 were rejected under 35 USC §103(a) as being unpatentable over Campbell et al. and Reger, and in further view of Lane (US 5,147,391). Applicant respectfully requests reconsideration of the present claims in view of the foregoing amendments and the following remarks.

Objection

Claim 3 was objected to as being dependent upon a rejected based claim. Claim 3 has been rewritten to include limitations of claims 1 and 2, from which it depended, and it should now be allowable.

Rejection under 35 USC §112, second paragraph

Claims 13-15 and 29-32 were rejected under 35 USC §112, second paragraph. Applicant has made claims 13-15 dependent from claim 3, which should now be allowable. Thus, claims 13-15 should now also be allowable. Claim 29 has been amended to read "the apertures" instead of the "the suture apertures," as suggested by the Examiner. Claims 30 and 31 depend from claim 29, and should now be allowable following amendment. Claim 32 has been canceled. Based on the amendment, Applicant requests that the rejections under 35 USC §112, second paragraph, be withdrawn.

Rejections under 35 USC §103(a)

Claims 1, 2, 7, 8, 11 and 12 were rejected under 35 USC §103(a) as being unpatentable over Campbell et al. in view of Reger. Claims 1 and 2 have been canceled. Claims 7, 8, 11 and 12 have been made dependent from claim 3, which should now be allowable, and thus, these claims should now also be allowable. Claims 13-15 were rejected under 35 USC §103(a) as being unpatentable over Campbell et al. and Reger '023, and in further view of Lane '391. Claims 13-15 have been made dependent from claim 3, and should now be allowable.

Other Amendments

Claims 5-12 have been made dependent from claim 3, which should now be allowable, and thus, these dependent claims should now also be allowable. Claims 16 and 33 have been canceled.

CONCLUSION

Applicant respectfully submits that claims 3, 5-15, 17-19, and 21-31, as amended, define patentable subject matter. Accordingly, the Applicant respectfully requests allowance of these claims.

Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

Williams, Morgan & Amerson, P.C.  
Customer No. 23720

*Stephanie A. Wardwell*

Stephanie A. Wardwell, Ph.D.  
Reg. No. 48,025  
Patent Agent

10333 Richmond, Suite 1100  
Houston, Texas 77042  
(713) 934-4077  
(713) 934-7011 (fax)

Dated: March 1, 2004